

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16676-16700

[Approved by the Secretary of Agriculture, Washington, D. C., April 2, 1930]

16676. Misbranding of table sirup. U. S. v. 3½ Cases, et al., of Table Sirup. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 23657. I. S. No. 07464. S. No. 1901.)

On May 2, 1929, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3½ cases of half-gallon cans, 2½ cases of quart cans, and 4¼ cases of pint cans of table sirup, remaining unsold in the original packages at Roswell, N. Mex., alleging that the article had been shipped by the Early Coffee Co., from Denver, Colo., on or about January 26, 1929, and transported from the State of Colorado into the State of New Mexico, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "After All None So Good Early's Blue Label Table Syrup * * * Contents: Corn syrup with cane sugar, Imitation Maple Flavored Contains 10 of 1% of Benzoate of Soda. Manufactured by the Early Coffee Co., Denver, Colorado."

It was alleged in the libel that the article was misbranded in that it was an imitation of another article and was not so labeled.

On August 9, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be labeled as imitation maple sirup and sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16677. Misbranding of dairy feed. U. S. v. 400 Bags of Dairy Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23669. I. S. No. 012409. S. No. 1897.)

On April 26, 1929, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 bags of dairy feed, remaining in the original unbroken packages at Frederick, Md., alleging that the article had been shipped by Rosenbaum Bros., Chicago, Ill., on or about February 1, 1929, and transported from the State of Illinois into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "77 Dairy Feed Guaranteed Analysis Protein 15% * * * Manufactured by Vitality Mills, Inc., Chicago, Ill."

It was alleged in the libel that the article was misbranded in that the statement on the labeling, "Guaranteed Analysis Protein 15%," was false and misleading and deceived and misled the purchaser when applied to an article containing a less amount of protein.

On May 9, 1929, the Vitality Mills (Inc.), Chicago, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned in part that it be relabeled to show its correct protein content.

ARTHUR M. HYDE, *Secretary of Agriculture.*